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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

IN RE:	§	
	§	CASE NO 07-41092
ROBERT EDWIN JACOBSEN	§	
	§	
	§	CHAPTER 7
Debtor	§	

**OBJECTION TO CLAIM OF BANK OF AMERICA  
(CLAIM NO. 9)**

**NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE HEREOF UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.**

**TO THE HONORABLE BRENDA T. RHOADS,  
UNITED STATES BANKRUPTCY JUDGE:**

Robert E. Jacobsen, Debtor, hereby objects to the Proof of Claim filed by Wells Fargo Bank (Claim No. 5) and states:

## I.

### **PROCEDURAL BACKGROUND**

1. On May 25, 2007 (the “Petition Date”), Robert E. Jacobsen (“Jacobsen” or “Debtor”) filed his Voluntary Chapter 13 Petition in *In re Robert E. Jacobsen*, Bankruptcy Case No. 07-41092 (the “Bankruptcy Case”) pending in the United States Bankruptcy Court for the Eastern District of Texas, Sherman Division (the “Bankruptcy Court”). The case was subsequently converted to Chapter 7. Christopher Moser has been appointed Chapter 7 Trustee.

2. On August 24, 2007, Wells Fargo Bank filed an unsecured claim in the amount of \$21, 958.86 (Claim No. 9). A true and correct copy of the claim is attached hereto as Exhibit “1.” On or about December 7, 2007, Wells Fargo Bank filed Notice of Transfer of Claim to eCast Settlement Corporation.

## II.

### **INADEQUATE DOCUMENTATION**

In the case of a credit card or consumer account creditor, the Court has held the creditor must attach an account statement containing the debtor’s name, account number, the prepetition account balance, interest rate, and a breakdown of the interest charges, finance charges and other fees that make up the balance of the debt, or attach enough monthly statements so that this information can be easily determined. *In re Armstrong*, 320 B.R. 97, 106 (Bankr.N.D.Tex. 2005). In the event the claimant is an assignee of a debtor’s original creditor, a claimant must attach a signed copy of the assignment and sufficient information to identify the original credit card account. *Id.* Bank of America has failed to attach adequate documentation.

### III.

#### **BREACH OF CONTRACT**

Prior to the Petition Date, the Debtor entered into a Novation Agreement with Bank of America. Bank of America subsequently breached the terms of the Novation. Consequently, the Debtor asserts that Bank of America's claim should be disallowed.

WHEREFORE PREMISES CONSIDERED Debtor respectfully requests this Court enter and Order: (i) sustaining Debtor's objections set forth herein; (ii) disallowing Bank of America (Claim No. 9) in full; and (iii) granting such other and further relief as is just and equitable.

Respectfully submitted,

By: /s/ Joyce W. Lindauer  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was electronically filed with the United States Bankruptcy Court for the Eastern District of Texas, notice of said filing was given to all parties requesting notice via the Court's ECF electronic filing system, and a copy of the foregoing pleading was served on all parties on the attached service list by U.S. First Class Mail, postage prepaid, on this 11th day of August, 2008.

eCAST Settlement Corporation  
POB 35480  
Newark, NJ 07193-5480

/s/ Joyce W. Lindauer  
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